

REMARKS

Claims 1-104 were pending in the application at the time of the Office Action. The Office Action set forth an election requirement requiring applicant to elect one of the following species as identified by the corresponding groups of claims:

- Species I: Claims 1-42, 85, 87, 89, 91, 95, 99, 103 drawn to switch devices without variable optical attenuators which contain neither an adiabatic groove nor a birefringent index adjustment means.
- Species II: Claims 1, 43-84, 86, 88, 90, 92-94, 96, 100, 104 drawn to switch devices with variable optical attenuators which contain neither an adiabatic groove nor a birefringent index adjustment means.
- Species III: Claims 1 and 97 drawn to switch device without variable optical attenuator which contain an adiabatic groove.
- Species IV: Claims 1 and 98 drawn to switch device without variable optical attenuator which contain an adiabatic groove.
- Species V: Claims 1 and 101 drawn to switch device without variable optical attenuator which contain a birefringent index adjustment means.
- Species VI: Claims 1 and 102 drawn to switch device without variable optical attenuator which contain a birefringent index adjustment means.

Applicant hereby elects without traverse Species I containing claims 1-42, 85, 87, 89, 91, 95, 99, 103 for prosecution on the merits. However, applicant asserts that claim 93, which is directed to an interferometer optical switch, should properly be classified in Species I as opposed to Species II as set forth in the Office Action. Furthermore, applicant has herein amended claims 97 and 101 so as to be classified in Species I. Applicant submits that the amendments to claims 97 and 101 do not introduce new matter and entry thereof is respectfully requested.

In view of the foregoing, claims 1-42, 85, 87, 89, 91, 93, 95, 97, 99, 101, and 103 are presented for the Examiner's consideration on the merits while the claims 43-84, 86, 88, 90, 92, 94, 96, 98, 100, 102, and 104 are withdrawn from consideration. Should the Examiner find any

impediment to allowance of the claims which could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate such an interview with the undersigned.

Dated this 11<sup>th</sup> day of April 2007.

Respectfully submitted,

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